

1 Stuart M. Grant  
 2 Lauren E. Wagner  
 3 Marlon Q. Paz (State Bar No. 204729)  
 Catherine Pratsinakis  
**GRANT & EISENHOFER, P.A.**  
 4 1201 North Market Street - Suite 2100  
 Wilmington, DE 19801  
 Telephone: (302) 622-7000  
 5 Facsimile: (302) 622-7100  
 6 Attorneys for Proposed Lead Plaintiff  
 The Connecticut Retirement Plans and Trust Funds  
 7

8 **UNITED STATES DISTRICT COURT**  
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN JOSE DIVISION**

11 ROBERT W. BAKER, JR., individually and on )  
 12 Behalf of all others similarly situated, )

13 Plaintiff, )

14 v. )

15 JOEL M. ARNOLD,  
 THOMAS L. CRONAN, III,  
 16 KEVIN A. DeNUCCIO,  
 PIERRE R. LAMOND,  
 17 VINOD KHOSLA,  
 VIVEK RAGAVAN and  
 18 DENNIS P. WOLF,

19 Defendants. )  
 20

Case No. C-03-05462 JF

**JURY TRIAL DEMANDED**

**NOTICE OF MOTION AND MOTION  
 TO APPOINT THE CONNECTICUT  
 RETIREMENT PLANS AND TRUST  
 FUNDS AS LEAD PLAINTIFF**

Date: April 12, 2004

Time: 9:00 AM

Judge: Honorable Jeremy Fogel

21 TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

22 PLEASE TAKE NOTICE that on April 12, 2004, or as soon thereafter as the matter may  
 23 be heard, before The Honorable Jeremy Fogel, United States District Judge, 280 South 1st Street,  
 24 San Jose, CA 95113, Courtroom 3, 5th Floor, The Connecticut Retirement Plans and Trust Funds  
 25 (the "Connecticut Retirement Plan") will, and hereby does, move this Court for an Order  
 26 appointing the Connecticut Retirement Plan as Lead Plaintiff.  
 27  
 28

1 This motion is brought pursuant to §21D of the Securities Exchange Act of 1934 on the  
 2 grounds that the Connecticut Retirement Plan has timely filed this Motion and that it is the "most  
 3 adequate plaintiff." Moreover, the Connecticut Retirement Plan meets the requirements of Rule  
 4 23 of the Federal Rules of Civil Procedure for the purposes of this motion in that its claims are  
 5 typical of the other class members' claims and the Connecticut Retirement Plan will fairly and  
 6 adequately represent the class.

7 Additional support for this Notice of Motion and Motion is provided in Connecticut  
 8 Retirement Plan's Memorandum of Law, the Declaration of Catherine E. LaMarr, Esq. in support  
 9 of this Motion, pleadings and other files herein, and such other written and oral argument as may  
 10 be permitted by the Court.

11  
 12 Dated: February 20, 2004

Respectfully submitted,

**GRANT & EISENHOFER, P.A.**

14  
 15 By:   
 Marlon Q. Paz (State Bar No. 204729)

16 Stuart M. Grant  
 17 Lauren E. Wagner  
 Catherine Pratsinakis  
 18 1201 N. Market Street, Suite 2100  
 Wilmington, DE 19801  
 Telephone: (302) 622-7000  
 19 Facsimile: (302) 622-7100

20 Attorneys for the Connecticut Retirement Plan

21 Of Counsel:

22 Catherine E. LaMarr  
 General Counsel  
 23 Office of the Treasurer  
 State of Connecticut  
 24 55 Elm Street  
 Hartford, Connecticut 06106

25 Richard Blumenthal  
 26 Attorney General of Connecticut  
 Joseph Rubin  
 27 Associate Attorney General of Connecticut  
 55 Elm Street  
 28 Hartford, Connecticut 06106

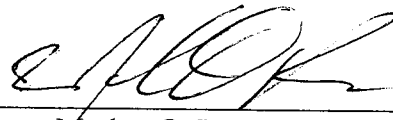
**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the Notice of Motion and Motion to Appoint The Connecticut Retirement Plans and Trust Funds as Lead Plaintiff were served upon the following counsel of record as indicated below **by first class mail** on February 20, 2004:

Robert A. Jigarjian  
Robert S. Green  
Green & Jigarjian LLP  
235 Pine Street  
15th Floor  
San Francisco, CA 94104

Charles H. Dufresne  
Mark C. Gardy  
Abbey Gardy, LLP  
212 East 39th Street  
New York, NY 10016

Kristin Anne Dillehay  
Wilson, Sonsini, Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304

  
\_\_\_\_\_  
Marlon Q. Paz